

REMARKS

Status of Claims

Claims 1-61 were pending, of which claims 16-59 were withdrawn from consideration. By this Amendment, claims 16-59 are canceled and new claims 62-70 are presented. No new matter is added.

Deletion of Priority Claim

Applicant amends the specification to delete the priority claim made to U.S. application Ser. No. 10/626,966 and files a supplemental application data sheet to reflect this change.

Claim Objection

Claims 7 and 14 were objected to for reciting “maximum occluding force of at least...” In response, Applicant amends claims 7 and 14 to delete the word “maximum.”

Claim Rejections: 35 U.S.C. § 102

Claims 1, 2, 4, 10, 15, and 60-61 were rejected under 35 U.S.C. § 102(b) as reciting subject matter anticipated by U.S. Pat. No. 4,658,822 to Kees, Jr.

Applicant has amended claim 1 to require, among other things, that the occlusion portion and the spring portion are formed from wire having a wire width, and the occlusion portion and the spring portion are each no wider, perpendicular to the occlusion member plane, than the wire width. Kees does not disclose this requirement; his occlusion portion and spring portion are both wider at some places than the wire width. Indeed, Kees’ occlusion and spring portions must necessarily exceed the wire width, because portions 32 and 34 of his clip must cross one another. The other rejected claims depend from claim 1 and so are also not anticipated by Kees.

Claims 1, 3, 10, and 13 were rejected under 35 U.S.C. § 102(b) as reciting subject matter anticipated by U.S. Pat. No. 6,193,732 to Frantzen et al.

Applicant has amended claim 1 to require, among other things, a clip guide portion that is wider than the wire width. Frantzen does not disclose this requirement, as the Examiner implicitly acknowledged in the office action. The other rejected claims depend from claim 1 and so are also not anticipated by Frantzen.

Claim Rejections: 35 U.S.C. § 103(a)

Claims 5, 6, 8, 9, 11, and 12 were rejected under 35 U.S.C. § 103(a) as reciting subject matter unpatentable over Kees in view of U.S. Pat. No. 5,053,045 to Schmidt et al.

Claims 7 and 14 were rejected under 35 U.S.C. § 103(a) as reciting subject matter unpatentable over Kees in view of U.S. Pat. No. 5,634,932 to Schmidt et al.

Applicant asks the Examiner to reconsider this position, because Kees, even if combined with either Schmidt reference, still does not meet the requirement of claim 1 that the occlusion portion and the spring portion are each no wider, perpendicular to the occlusion member plane, than the wire width. Every aneurysm clip Schmidt discloses includes crossing wires, so Schmidt's occlusion and spring portions must necessarily exceed the wire width.

For these reasons, Applicant requests reconsideration and withdrawal of each objection and rejection.

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Respectfully submitted,

By /SCOTT E. KAMHOLZ/

Scott E. Kamholz, Reg. No.: 48,543

FOLEY HOAG LLP

155 Seaport Blvd

Boston, Massachusetts 02210

(617) 832-1176

Attorney for Applicant